

Application No. 09/589,675

LSCP 1000-1

**REMARKS**

In the Final Official Action mailed 16 June 2003, the Examiner reviewed claims 1-33. The Examiner rejected claims 1-33. Claims 1-3, 9, 14, 15, 17-27, 30 and 33 are rejected under 35 U.S.C. 102(b); and claims 1-33 are rejected under 35 U.S.C. 103(a).

Applicant has amended claims 1, 17, 22, 26 and 33, and claim 2. Claims 1-33 remain pending.

**Rejection of Claims 1-3, 9, 14, 15, 17-27, 30 and 33 under 35 U.S.C. 102(b)**

Claims 1-3, 9, 14, 15, 17-27, 30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinofsky, U.S. Pat. 4,852,567. Sinofsky '567 describes a catheter with a laser at the tip. The Sinofsky '567 laser includes a resonant mirrors, and generates coherent light by stimulated emissions.

In one alternative Sinofsky '567 describes using a non-linear crystal in place of the laser. However, non-linear crystals operate by mixing refracted beams to produce coherent light at sum and difference wavelengths of the input beams. Non-linear crystals do not operate by spontaneous emission.

Sinofsky '567 does not describe a system that operates by spontaneous emission.

**Rejection of Claims 1-12, 14, 17-30 and 33 under 35 U.S.C. 103(a)**

Claims 1-12, 14, 17-30 and 33 under 35 U.S.C. 103(a) as being unpatentable over Jegorov et al. in view of Sinofsky, Pat. 6,270,492, and in view of Byren et al., U.S. Pat. 4,853,528. Jegorov is also a laser based system, unlike the system based on spontaneous emission as recited in the claims of the present application. Sinofsky '492 describes a catheter with a scatterer 22 at the tip, which is needed for laser based systems. It does not teach placement of a fluorochrome at the catheter tip which generates radiation by spontaneous emissions. Likewise, the Byren et al. patent does not overcome the deficiencies of the other references.

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Rejection of Claim 13 under 35 U.S.C. 103(a)

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jegorov et al., in view of Sinofsky and Byren et al., and in further view of Talpalriu et al., Pat. 6,171,302. This claim is allowable for the reasons discussed above.

Rejection of Claims 15, 16, 31 and 32 under 35 U.S.C. 103(a)

Claims 15, 16, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegorov et al., in view of Sinofsky and Byren et al., and in further view of Braun et al., Pat. 5,425,754. These claims are allowable for the reasons discussed above.

It is respectfully submitted that this application would be in condition for allowance, upon entry of these amendments. Please contact the undersigned when you have reviewed the proposal.

Respectfully submitted,

Dated: \_\_\_\_\_

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